

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
COURT FILE NO: CV-**

SUE HARPER, an individual)	
Plaintiff)	
v.)	JURY TRIAL DEMANDED
GENPACT SERVICES, LLC,)	
Defendant)	
)	

COMPLAINT

I. PRELIMINARY STATEMENT

1. This action arises out of illegal acts and omissions of the above-named defendant, who used false, deceptive, misleading, unfair, abusive, and oppressive practices and means in conjunction with attempts to collect an alleged debt or debts and thereby violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p ("FDCPA") and the Pennsylvania Fair Credit Extension Uniformity Act, 73 P.S. §§ 2270.1-2270.6 ("FCEUA"), and Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1 to 201-9.3 ("UTCPL"). Plaintiff seeks actual damages, statutory damages, treble damages, costs, and attorney's fees.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. section 1692 *et seq* (hereinafter "FDCPA"), Pennsylvania Fair Credit Extension Uniformity Act, 73 Pa.C.S. 2270.1 *et seq* (hereinafter "FCEUA") and Pennsylvania Unfair Trade Consumer Protection Law, 72 Pa.C.S 201-1, *et seq* (hereinafter "UTCPL"), which prohibit debt collectors from engaging in abusive, false, deceptive, misleading and unfair practices.

3. Venue is proper in this District because the acts and transactions occurred here and Plaintiff resides within this district.

III. PARTIES

4. Plaintiff, Sue Harper (“Plaintiff”), is a natural person whose residence is located at 229 Independent Court, Collegeville, PA 19426 and is a “consumer” as that term is defined by 15 U.S.C. section 1692a(3).

5. Defendant, Genpact Services, LLC (“Defendant”) is, a New York company located at 10 East 40th Street, 10th Floor, New York, New York 10016 and a corporation organized under the laws of the State of Delaware, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6) and FCEUA, 73 P.S. § 2270.3 and, at all times relevant herein, acted by and through its owners, managers, officer, shareholders, authorized representatives, partners, employees, agents and/or workmen.

6. Defendant, at all times relevant hereto, were persons who used an instrumentality of interstate commerce or the mails in a business, the principal purpose of which was the collection of debts, who regularly collected or attempted to collect, directly or indirectly, debts owed or due asserted to be owed or due another, and/or who, in the process of collecting its own debts, used a name other than its own which would indicate that a third person was collecting or attempting to collect such debts.

IV. FACTUAL ALLEGATIONS

7. Plaintiff allegedly incurred a financial obligation from Lowe’s that was primarily for family, personal or household purposes, and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

8. Between March 16, 2010 and May 10, 2010, Defendant made 189 telephone calls from a telephone number of 513-878-4926 to Plaintiff on both her cell phone and her land-line. See Plaintiff's phone logs and excerpts from Plaintiff's telephone bill attached hereto as Exhibit A.

9. Many of the aforesaid telephone calls were made almost simultaneously to both of Plaintiff's telephone numbers and most were made within relatively short periods of time as follows, inter alia:

a. Landline phone calls:

May 2, 2010 (Mother's Day), 6 calls between 8:30 a.m and 1:34 p.m.

May 5, 2010 - 6 calls beginning at 8:35 a.m. to 6:42 p.m.

May 6, 2010 - 5 calls beginning at 9:08 a.m. to 5:57 p.m.

May 7, 2010 - 6 calls beginning at 8:35 a.m to 6:03 p.m.

b. Cellphone calls:

May 5, 2010 - 9 calls beginning at 10:55 a.m. to 6:42 p.m.;

May 6, 2010 - 8 calls beginning at 9:08 a.m. to 5:58 p.m.

May 7, 2010 - 10 calls beginning at 8:36 a.m to 6:03 p.m.

10. In fact, many calls were made to both phones on the same date at the same time as follows, inter alia:

May 7, 2010 – 11:06 a.m. (one to the landline and two to the cellphone)

May 7, 2010 – 5:17 p.m. (one to the landline and two to the cellphone)

May 7, 2010 – 5:39 p.m. (one to the landline and two to the cellphone)

May 7, 2010 – 6:03 p.m. (one to the landline and two to the cellphone);

11. The aforesaid telephone calls were made with the intent to annoy, harass and abuse Plaintiff, who, as a result of the telephone calls suffered anxiety and distress and refused to answer her phone for fear that it would be Defendant calling her again.

12. On April 17, 2010, Defendant called Plaintiff and left a voicemail message claiming it was the Bank of America and wanted to speak to Plaintiff regarding career opportunities.

V. CAUSES OF ACTION

COUNT I VIOLATIONS OF THE FDCPA 15 U.S.C. section 1692, et seq.

13. Plaintiff incorporates her allegations of paragraphs 1 through 12 as though set forth at length herein.

14. Defendant's aforesaid actions violated the FDCPA as follows:

(a) Defendant violated 15 U.S.C. § 1692d(5) by causing the phone to constantly ring with the intent to annoy, abuse and harass Plaintiff.

(b) Defendant violated 15 U.S.C. § 1692d(6) by placing telephone calls without disclosing Defendant's identity.

(c) Defendant violated 15 U.S.C. § 1692e(10) by using a false representation or deceptive means to collect a debt.

(d) Defendant violated 15 U.S.C. § 1692e(11) by engaging in conduct the natural consequence of which was to harass, oppress, and/or abuse Plaintiff in connection with the collection of a debt.

(e) Defendant violated 15 U.S.C. § 1692f by using unfair or unconscionable means to collect or attempt to collect an alleged debt.

(f) Defendant violated 15 U.S.C. § 1692c(a)(1) by making telephone calls in an attempt to collect an alleged debt at a time and place known to be inconvenient.

WHEREFORE, Plaintiff, Susan Harper, prays that judgment be entered against Defendants for the following:

- (1) Actual damages;
- (2) Statutory damages in the amount of \$1000.00;
- (3) Reasonable attorney's fees and costs;
- (4) Declaratory judgment that the Defendant's conduct violated the FDCPA;
- (5) Such other and further relief that the Court deems just and proper.

COUNT II - VIOLATIONS OF FCEUA

15. Plaintiff incorporates her allegations of paragraphs 1 through 14 as though set forth at length herein.

16. Defendant violated FCEUA, 73 P.S. § 2270.4(a), because any violation of FDCPA by a debt collector, as set forth above, constitutes an unfair or deceptive debt collection act or practice under FCEUA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and against Defendant, as follows:

- (1) An Order declaring that Defendant violated the FCEU;
- (2) Actual damages;
- (3) Treble damages;
- (4) Reasonable attorney's fees and costs;

- (5) Such other relief that the Court deems just and proper.

COUNT III - VIOLATIONS OF UTPCPL

17. Plaintiff incorporates her allegations of paragraphs 1 through 16 as though set forth at length herein.

18. Defendant violated UTPCPL, because, pursuant to FCEUA, 73 P.S. § 2270.5(a), any unfair or deceptive debt collection act or practice under FCEUA by a debt collector or credit, as set forth above, constitutes a violation of UTPCPL.

19. Other unfair or deceptive acts or practices defined as such in 73 P.S. §201-2(4) committed by Defendant include, but are not limited to, the following:

- a. Defendant engaged in fraudulent or deceptive conduct which would create the likelihood of confusion or of misunderstanding.

20. Pursuant to UTPCPL, 73 P.S. § 201-3, such acts and practices are unlawful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and against Defendant, as follows:

- (1) An Order declaring that Defendant violated the UTPCPL;
- (2) Actual damages;
- (3) Treble damages;
- (4) Reasonable attorney's fees and costs;
- (5) Such other relief that the Court deems just and proper.

**COUNT IV
INVASION OF PRIVACY**

21. Plaintiff incorporates her allegations of paragraphs 1 through 20 as though set forth at length herein.
22. Defendant intentionally interfered, physically or otherwise, with the solitude, seclusion and/or private concerns or affairs of the Plaintiff by publicly airing private facts concerning the Plaintiff.
23. Defendant intentionally caused harm to Plaintiff's emotional well being by engaging in highly offensive conduct in the course of collecting a debt, as described herein.
24. Plaintiff had a reasonable expectation of privacy in Plaintiff's respective solitude, seclusion and/or private concerns or affairs.
25. The intrusion by Defendant occurred in a way that would be highly offensive to a reasonable person in that position.
26. As a result of such invasions of privacy, Plaintiff is entitled to actual damages in an amount to be determined at trial from each and every Defendant.
27. Defendant acted with malice or reckless disregard to Plaintiff's rights and welfare, warranting the imposition of punitive damages against Defendants.

WHEREFORE, Plaintiff, Susan Harper, prays that judgment be entered in her favor against Defendant for actual and punitive damages.

VI. DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE THAT Plaintiff respectfully demands a trial by jury against Defendant for each cause of action herein.

DATED:

s/ Michael P. Forbes
Michael P. Forbes (PA ID No. 55767)

200 Eagle Road
Suite 220
Wayne, PA 19087
Telephone: (610) 293-9399
Facsimile: (610) 293-9388

Attorney for Plaintiff, Sue Harper

EXHIBIT "A"

GenPart to Home: 4849387687

03-19-10 - 513 878 4964 4:12 PM
513 878 4961

03-22-10 " " ~~8:00 AM~~
" " 6:52 PM
5:44 PM
5:14 PM
10:50 AM
9:12 AM
8:08 AM

SDN 03/28/10 " 10:53 AM 12:04 PM
9:52 AM
8:46 AM 3:33 PM
8:08 AM

Sat 3/27/10 " 11:57 AM
11:29 AM
9:48 AM
8:56 AM
8:33 AM
8:07 AM

New Phone# MON 3/29 513 878-4926 8:30 AM
10:54 AM
1:15 PM

TUE 3/30 " 5:27 PM
4:35 PM
7:20 PM
6:02 PM
5:48 PM
5:10 PM
1:20 PM
10:30 AM
8:23 AM

Record by:
Sue Harper

Contact Calls

Taken from Phone Hardset
From: 513-878-4926

(also see Pictures!)

5/07/10
FRI
603 pm
539 pm
517 pm
1106 am
924 am
835 am

5/02/10
SUNDAY
(Mother's Day!)
134 pm
100 PM
1201 PM
958 AM
857 AM
830 AM

5/06
THUR
557 PM
534 PM
512 PM
1054 AM
908 AM

5/01/10
SAT
238 PM
221 PM
201 PM
1214 PM
1008 AM
849 AM

5/05
WED
642 PM
621 PM
556 PM
523 PM
1054 AM
835 AM

4/30/10
FRI
608 PM
-Phone record stops-

5/04
TUE
736 PM
648 PM
548 PM
1029 am
836 am

See Comcast printout
+ addtl handwritten
for calls on 04/30/10
and prior

5/03
MON
621 PM
609 PM
553 PM
517 PM
956 AM
834 AM

Missed	Cincinnati OH	(513) 878-4926	Tue 3/30/10	8:23 AM
Missed	Cincinnati OH	(513) 878-4926	Mon 3/29/10	5:27 PM
Missed	[REDACTED]		Mon 3/29/10	3:54 PM
Missed	Cincinnati OH	(513) 878-4926	Mon 3/29/10	10:54 AM
Missed	Cincinnati OH	(513) 878-4926	Mon 3/29/10	8:30 AM
Missed	Cincinnati OH	(513) 878-4961	Sun 3/28/10	3:33 PM
Missed	Cincinnati OH	(513) 878-4961	Sun 3/28/10	8:46 AM
Missed	Cincinnati OH	(513) 878-4961	Sat 3/27/10	11:29 AM
Missed	Cincinnati OH	(513) 878-4961	Sat 3/27/10	8:33 AM
Missed	Cincinnati OH	(513) 878-4961	Sat 3/27/10	8:07 AM
Missed	Cincinnati OH	(513) 878-4961	Mon 3/22/10	6:50 PM
Missed	Cincinnati OH	(513) 878-4961	Mon 3/22/10	5:44 PM
Missed	[REDACTED]		Sat 3/20/10	12:30 PM
Missed	Cincinnati OH	(513) 878-4901	Fri 3/19/10	4:12 PM
Missed	Cincinnati OH	(513) 878-4961	Tue 3/16/10	8:25 AM

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print view

Subscriber: Sue Harper

Printed: Tue May 11, 2010 9:01 AM

Missed Calls for: (484) 938-7687

View by: Missed Calls **Dates:** March 12, 2010 to April 11, 2010

TYPE	FROM	DATE
Missed	Cincinnati OH (513) 878-4926	Sun 4/11/10 8:28 AM
Missed	Cincinnati OH (513) 878-4926	Sat 4/10/10 4:53 PM
Missed	Cincinnati OH (513) 878-4926	Sat 4/10/10 4:32 PM
Missed	Cincinnati OH (513) 878-4926	Fri 4/9/10 6:13 PM
Missed	Cincinnati OH (513) 878-4926	Fri 4/9/10 5:41 PM
Missed	Cincinnati OH (513) 878-4926	Fri 4/9/10 8:06 AM
Missed	Cincinnati OH (513) 878-4926	Thu 4/8/10 5:05 PM
Missed	Cincinnati OH (513) 878-4926	Thu 4/8/10 8:08 AM
Missed	Cincinnati OH (513) 878-4926	Wed 4/7/10 5:08 PM
Missed	Cincinnati OH (513) 878-4926	Wed 4/7/10 10:15 AM
Missed	Cincinnati OH (513) 878-4926	Wed 4/7/10 8:33 AM
Missed	Cincinnati OH (513) 878-4926	Tue 4/6/10 5:22 PM
Missed	Cincinnati OH (513) 878-4926	Tue 4/6/10 5:07 PM
Missed	Cincinnati OH (513) 878-4926	Mon 4/5/10 9:24 AM
Missed	Cincinnati OH (513) 878-4926	Mon 4/5/10 8:14 AM
Missed	[REDACTED]	Sat 4/3/10 8:21 PM
Missed	Cincinnati OH (513) 878-4926	Sat 4/3/10 3:45 PM
Missed	[REDACTED]	Sat 4/3/10 11:53 AM
Missed	Cincinnati OH (513) 878-4926	Sat 4/3/10 11:25 AM
Missed	Cincinnati OH (513) 878-4926	Sat 4/3/10 8:31 AM
Missed	Cincinnati OH (513) 878-4926	Sat 4/3/10 8:08 AM
Missed	Cincinnati OH (513) 878-4926	Fri 4/2/10 5:55 PM
Missed	Cincinnati OH (513) 878-4926	Fri 4/2/10 5:09 PM
Missed	Cincinnati OH (513) 878-4926	Fri 4/2/10 8:37 AM
Missed	Cincinnati OH (513) 878-4926	Fri 4/2/10 8:07 AM
Missed	Cincinnati OH (513) 878-4926	Thu 4/1/10 6:33 PM
Missed	[REDACTED]	Thu 4/1/10 3:42 PM
Missed	Cincinnati OH (513) 878-4926	Thu 4/1/10 8:09 AM
Missed	Cincinnati OH (513) 878-4926	Wed 3/31/10 9:51 AM
Missed	Cincinnati OH (513) 878-4926	Wed 3/31/10 8:12 AM
Missed	Cincinnati OH (513) 878-4926	Tue 3/30/10 6:02 PM
Missed	Cincinnati OH (513) 878-4926	Tue 3/30/10 5:48 PM
Missed	Cincinnati OH (513) 878-4926	Tue 3/30/10 5:10 PM
Missed	Cincinnati OH (513) 878-4926	Tue 3/30/10 1:20 PM

Missed	Cincinnati OH	(513) 878-4926	Tue 4/13/10	8:28 AM
Missed	Cincinnati OH	(513) 878-4926	Mon 4/12/10	6:24 PM
Missed	Cincinnati OH	(513) 878-4926	Mon 4/12/10	5:25 PM
Missed	Cincinnati OH	(513) 878-4926	Mon 4/12/10	9:48 AM
Missed	Cincinnati OH	(513) 878-4926	Sun 4/11/10	10:56 AM
Missed	Cincinnati OH	(513) 878-4926	Sun 4/11/10	10:31 AM
Missed	Cincinnati OH	(513) 878-4926	Sun 4/11/10	10:10 AM
Missed	Cincinnati OH	(513) 878-4926	Sun 4/11/10	9:09 AM

Missed	Cincinnati OH	(513) 878-4926	Fri 4/23/10	6:02 PM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/23/10	5:36 PM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/23/10	5:15 PM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/23/10	8:47 AM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/23/10	8:17 AM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/22/10	5:57 PM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/22/10	5:42 PM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/22/10	5:19 PM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/22/10	10:37 AM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/21/10	6:58 PM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/21/10	6:16 PM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/21/10	10:31 AM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/21/10	9:15 AM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/21/10	8:38 AM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/20/10	6:11 PM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/20/10	5:49 PM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/20/10	5:22 PM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/20/10	10:01 AM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/20/10	9:04 AM
Missed	Cincinnati OH	(513) 878-4926	Mon 4/19/10	7:03 PM
Missed	Cincinnati OH	(513) 878-4926	Mon 4/19/10	5:51 PM
Missed	Cincinnati OH	(513) 878-4926	Sun 4/18/10	5:08 PM
Missed	Cincinnati OH	(513) 878-4926	Sun 4/18/10	11:26 AM
Missed	Cincinnati OH	(513) 878-4926	Sat 4/17/10	3:01 PM
Missed	Cincinnati OH	(513) 878-4926	Sat 4/17/10	2:39 PM
Missed	Cincinnati OH	(513) 878-4926	Sat 4/17/10	11:13 AM
Missed	Cincinnati OH	(513) 878-4926	Sat 4/17/10	8:34 AM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/16/10	5:16 PM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/16/10	11:12 AM
Missed	Cincinnati OH	(513) 878-4926	Fri 4/16/10	8:29 AM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/15/10	5:25 PM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/15/10	11:05 AM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/15/10	9:36 AM
Missed	Cincinnati OH	(513) 878-4926	Thu 4/15/10	8:33 AM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/14/10	7:34 PM
Missed	Cincinnati OH	(513) 878-4926	Wed 4/14/10	9:38 AM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/13/10	7:46 PM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/13/10	5:47 PM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/13/10	9:46 AM
Missed	Cincinnati OH	(513) 878-4926	Tue 4/13/10	8:42 AM

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print view

Subscriber: Sue Harper

Printed: Tue May 11, 2010 9:00 AM

Missed Calls for: (484) 938-7687

View by: Missed Calls Dates: April 11, 2010 to May 11, 2010

TYPE	FROM	DATE
Missed	Cell Phone PA	Mon 5/10/10 3:44 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 6:03 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 6:03 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 5:39 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 5:39 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 5:17 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 5:17 PM
Missed		Fri 5/7/10 4:34 PM
Missed		Fri 5/7/10 12:14 PM
Missed		Fri 5/7/10 12:14 PM
Missed		Fri 5/7/10 12:13 PM
Missed		Fri 5/7/10 12:13 PM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 11:06 AM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 11:06 AM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 9:25 AM
Missed	Cincinnati OH (513) 878-4926	Fri 5/7/10 8:36 AM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 5:58 PM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 5:35 PM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 5:12 PM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 5:12 PM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 10:54 AM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 10:54 AM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 9:08 AM
Missed	Cincinnati OH (513) 878-4926	Thu 5/6/10 9:08 AM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 6:42 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 6:42 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 6:21 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 6:21 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 5:56 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 5:56 PM
Missed		Wed 5/5/10 5:42 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 5:24 PM
Missed	Cincinnati OH (513) 878-4926	Wed 5/5/10 10:55 AM
Missed		Wed 5/5/10 10:54 AM